



UNITED STATES COURT OF INTERNATIONAL TRADE
ONE FEDERAL PLAZA
NEW YORK, NY 10278-0001

CHAMBERS OF
Claire R. Kelly
Judge

March 12, 2018

Megan Sarah Goddard, Esq.
Goddard Law PLLC
39 Broadway
Suite 1540
New York, NY 10006
Email: Megan@goddardlawnyc.com

Gabrielle Vinci, Esq.
Nesenoff & Miltenberg LLP
363 Seventh Avenue
5th Floor
New York, NY 10001
Email: gvinci@nmllplaw.com

Nathaniel K. Charny, Esq.
Charny and Associates
9 West Market Street
Suite B
Rhinebeck, NY 12572
Email: ncharny@charnywheeler.com

Michael Thomas Hensley, Esq.
Bressler, Amery & Ross, PC (NYC)
17 State Street
34th Floor
New York, NY 10004
Email: mhensley@bressler.com

Lauren Fenton-Valdivia
Bressler, Amery & Ross, P.C. (NJ)
325 Columbia Turnpike
Suite 301
Florham Park, NJ 07932
Email: lfvaldivia@bressler.com

Re: *Claude N. Lewis v. American Sugar Refining, Inc. and Mehandra Ramphal*,
Case No. 14-cv-02302

Dear Counsel:

The court is in receipt of the parties' motions in limine. See Defs.' American Sugar Refining, Inc. and Mehandra Ramphal's Mots. In Limine, Feb. 12, 2018, ECF No. 115-1 ("Def.'s Mot. In Limine"); Pl. Claude Lewis' Mem. Law Supp. Pl.'s Mot. In Limine, Feb. 12, 2018, ECF No. 117. Oral argument on the parties' motions in limine is scheduled to take place on Monday, March 19, 2018 at 10 a.m. at the United States Court of International Trade, 1 Federal Plaza, New York, NY 10278. See Order, Mar. 6, 2018, ECF No. 124. In preparation for oral argument on the motions in limine, the court requests that American Sugar Refining, Inc. and Mehandra Ramphal (collectively, "Defendants") submit to the court the following:

1. A complete list of exhibits that contain copies of grievances filed by Claude N. Lewis ("Plaintiff") and his employer's responses that Defendants seek to admit as substantive evidence to demonstrate that Defendants have, throughout Plaintiff's employment, addressed and vetted the grievances he submitted;
2. A complete list of exhibits that contain copies of grievances filed by Plaintiff that Defendants seek marked for impeachment purposes;
3. A complete list of exhibits that contain copies of disciplinary notices issued to Plaintiff that Defendants seek to admit as substantive evidence to support Defendants' affirmative defenses; and
4. A legible copy of exhibit DX-64 and the production of the attachment referenced by the disciplinary notice.

Further, in Defendants' motion in limine, Defendants state that Plaintiff was issued 16 disciplinary notices. See Defs.' Mot. In Limine at 7. However, the schedules of exhibits provided by the parties in their proposed pretrial order include only 15 exhibits containing copies of such notices. See Proposed Joint Pretrial Order at 20–36, Nov. 7, 2017, ECF No. 94. The court's review of the parties' proposed pretrial order revealed that a disciplinary notice issued on August 19, 1997, which is included in the parties' stipulated facts, see id. at 6–7, is not included in any of the schedules of exhibits. Accordingly, the court asks the parties to clarify whether all 16 disciplinary notices have been reproduced in the exhibits submitted to the court, and if yes, to create a complete list of those exhibits.

The parties should include exhibits marked as joint exhibits in the above requested lists, where necessary.

The court also requests that Plaintiff:

1. Provide a more legible copy of exhibit PX-7;

2. Clarify whether exhibits PX-22 and PX-5 reproduce the same grievance notice and, if yes, why both exhibits are necessary; and
3. Clarify whether exhibits JX-6 and DX-5 reproduce the same disciplinary notice and, if yes, why Plaintiff has objected to DX-5 on grounds of relevance, foundation, and authentication.

The parties shall file the above requested information on or before 3 p.m. on Thursday, March 15, 2018. The parties may file the above requested information on ECF. If you have any questions, please contact my case manager, Mr. Steve Taronji, at (212) 264-1611.

Sincerely,

/s/ Claire R. Kelly
Claire R. Kelly, Judge